

GIANAKIS LAW LLC

Attorney at Law

James P. Gianakis

51 JFK Parkway, 1st Floor
Short Hills, New Jersey 07078

315 Madison Avenue, 3rd Floor
New York, New York 10017

New Jersey: 973.218.2500

New York: 212.878.8815

Mobile: 908.337.4436

August 22, 2023

VIA E-FILING

Honorable Hector Gonzalez, U.S.D.J.
United States District Court
for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: **Becky Pund, et al. v. St. Francis College, et al.**
Civil Action No. 1:23-cv-1498-HG

Dear Judge Gonzalez:

As the Court is aware, this firm represents the Plaintiffs, Becky Pund and Charles Pund, in the above-referenced matter. Pursuant to the Court's direction, I have filed a Second Amended Complaint and Jury Demand that specifically addresses the Court's noted concerns regarding subject matter jurisdiction and the good faith bases for each of Plaintiffs' claims against each of the named Defendants and prospective John/Jane Doe Defendants, such that both the Court and counsel for the Defendants have a clear understanding of the ability of this Court to proceed in handling this case and the exact causes of action that are being alleged against the exact Defendant(s) who have or will be named together with the facts that support each of those allegations.

Respectfully, with that same genuine interest in clarifying the record, I also feel compelled to submit this letter to provide some context for the Court in light of some of the noted logistical challenges involved in this case and the references in the Court's Order, dated August 8, 2021, that Plaintiffs are somehow taking a "shotgun" approach to this lawsuit. That is not the case. This office and the Plaintiffs fully respect the authority of this Court, and fully appreciate how the Court may form that impression, but need the Court to know the depth of every discussion and weight of every statement that is made in every submission to the Court.

This is a highly emotional, sensitive, and challenging situation. My clients are a father and daughter. The conduct and comments that have been experienced are severe and pervasive. And the wrong has been continuing, with one disturbing action after another, as have the damages, with compounding physical, psychological, emotional, social, reputational, and financial effect. The events that have occurred forever altered Becky's health, well-being, and path in life – and in turn, have impacted Charles as her father.

As noted, this case is also about significantly more than just Becky and Charles Pund. At least twelve (12) other young women in the basketball program reported being victims of similar, and at times more severe, unlawful conduct and comments. The Defendants were made aware of these cases, and while they are not named Plaintiffs in this action, they will be considered as material witnesses as discovery unfolds. There is an enormous sensitivity to the nature of the allegations that has been referenced in the submissions to date and will have to be navigated by the parties with the guidance of the Court to protect each individual.

It is with that sensitivity and respect in mind that Plaintiffs have proceeded with caution in making these allegations against St. Francis College, and in turn, adding the individual Defendants – first, in the privacy of pre-litigation efforts to get the school's attention and some resolution to these concerns. And when there was no other choice but to proceed with filing a lawsuit, Plaintiffs have also been sensitive to not lay out every disturbing detail with an appreciation that it will come out through discovery, but may not need to be spelled out explicitly in an initial pleading. The addition of the individual Defendants has created complications with articulating the basis for subject matter jurisdiction, but given the significance of their respective involvement, it became necessary for them to be included as more than just former employees and witnesses of the college. And the listing of causes of action was not just a "shotgun" approach, but rather a thoughtful, good faith exercise in what claims to include with an acknowledgment that each could have been articulated more clearly.

If that has somehow given the impression that Plaintiffs are searching for a legal claim that will stick, there is a genuine apology for that misperception. The facts are clear, the main people involved are known, the legal claims are well grounded, and the damages are extensive and continuing with each day that passes.

Each step in this process has been significant and involves several, thoughtful and emotional exchanges that are privileged communications, but that the Court needs to know are not taken lightly.

There is a deep appreciation for the Court's continuing understanding in this matter.

Respectfully submitted,

s / James P. Gianakis

James P. Gianakis

cc: Ryan Soebke, Esq. (via e-filing)
Ariel Ronneburger, Esq. (via e-filing)